

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Jascha Chiaverini, et al.,

Case No. 3:17-cv-2527

Plaintiffs

v.

MEMORANDUM OPINION  
AND ORDER

City of Napoleon, et al.,

Defendants

After recently acquiring a transcript from a preliminary hearing conducted by the Napoleon Municipal Court on December 12, 2016, Defendants City of Napoleon, Nicholas Evanoff, Jamie Mendez, David Steward, and Robert Weitzel moved for leave to amend their answer. (Doc. No. 43). Specifically, Defendants seek to add the affirmative defenses of collateral estoppel, waiver, and estoppel. (*Id.*). Plaintiffs filed a memorandum in opposition, alleging the proposed amendment would be futile. (Doc. No. 46). Defendants replied. (Doc. No. 51).

Because the time to amend as of right has passed and Plaintiffs oppose amendment, Defendants may amend the answer only with leave of court. *See* Fed. R. Civ. P. 15(a)(2). “The court should freely give leave when justice so requires.” *Id.* But leave to amend need not be granted if the amendment would be futile. *See Miller v. Calhoun County*, 408 F.3d 803, 817 (6th Cir. 2005). Over Plaintiffs’ objection, I conclude the proposed amendment here would not be futile. Therefore, in the interest of justice, Defendants’ motion for leave to amend is granted. (Doc. No. 43).

So Ordered.

s/ Jeffrey J. Helmick  
United States District Judge